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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,007	11/07/2001	Sachio Muraki	215935US2	4577

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EXAMINER

DONOVAN, LINCOLN D

ART UNIT PAPER NUMBER

2832

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/986,007

Applicant(s)  
Muraki et al.

Examiner  
Lincoln Donovan

Art Unit  
2832



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 11, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above, claim(s) 8-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Claims 8-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected claimed species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6.
2. Applicant's election with traverse of the restriction in Paper No. 5 is acknowledged. The traversal is on the ground(s) that the search for the various embodiments overlaps and does not place a "serious burden" on the examiner. This is not found persuasive because the multiple designs and configurations shown in each of the 11 embodiments raises differing considerations.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: in line 8 "filling" should be corrected as -- filled --. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, applicant should clarify what is intended by "make open" and "make closed" the electrodes.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schimming et al. [US 3,097,280] in view of Boersma et al. [US 4,004,118].

Schimming et al. disclose an integrated type gas-insulated switching apparatus [figure 1] comprising:

- a plurality of switching devices [1, 2] each including a contact [7, 8], an insulated container [figure 1] in which the contact is contained filled with an insulating gas [column 2, lines 40-58];
- a container [3] to which the plurality of switching devices are connected;
- an operating mechanism [5, 14] mounted within the container to open and close the switches;

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- an insulating structure [4] supporting the container; and
- an insulated control rod [19] housed in the insulated structure and the container to operate the operating mechanism.

Schimming et al. disclose the instant claimed invention except for the container being formed of a conductive material.

Boersma et al. discloses a metal clad switchgear [figure 1] having a metal container [1', 1''] supporting junction spheres [3a-3c].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the casing of Schimming et al. formed of a conductive material, as suggested by Boersma et al., for the purpose of providing desired isolation.

8. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schimming et al. in view of Boersma et al. as applied to claim 1 above and further in view of Calvino [US 4,379,957].

Schimming et al., as modified, disclose the instant claimed invention except for the specific switching devices enclosed within the insulated containers and their orientation relative to each other.

Calvino discloses a modular switching assembly [figure 2] able to incorporate multiple types of switching elements [column 5, lines 24-28].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use modular design of Calvino with Schimming et al., as modified, for the purpose of providing multiple switching configurations.

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The specific orientation of the switches relative to each other would have been an obvious design consideration based on the specific operating environment intended for the switch.

Regarding claim 6, both Schimming et al. and Calvino disclose the switchgear having separated gas chambers.

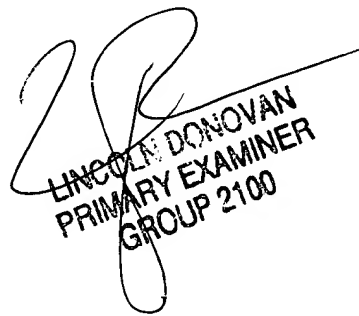
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lincoln Donovan whose telephone number is (703) 308-3111.

The fax number for this Group is (703)-872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.

LDD

May 15, 2003

  
LINCOLN DONOVAN  
PRIMARY EXAMINER  
GROUP 2100